

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS LUCKY LOZANO,

Defendant.

3:19-CR-032-MMD-CLB

Preliminary Order of Forfeiture

This Court finds Nicholas Lucky Lozano pled guilty to Count One of a One-Count Criminal Superseding Information charging him with possession with intent to distribute a controlled substance in violation of 21 U.S.C. § 841(a)(1). Criminal Superseding Information, ECF No. 112; Change of Plea, ECF No. 114 Plea Agreement, ECF No. 100

This Court finds Nicholas Lucky Lozano agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Superseding Information. Criminal Superseding Information, ECF No. 112 Change of Plea, ECF No. 114 Plea Agreement, ECF No. 100

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Superseding Information and the offense to which Nicholas Lucky Lozano pled guilty.

The following property is (1) any firearm or ammunition involved in or used in any violation of any other criminal law of the United States, 21 U.S.C. § 841(a)(1) ; (2) any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 21 U.S.C. § 841(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§

1956(c)(7)(A) and 1961(1)(D), or a conspiracy to commit such offense; (3) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of violations of 21 U.S.C. § 841(a)(1); (4) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of 21 U.S.C. § 841(a)(1); (5) all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. § 841(a)(1), all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. § 841(a)(1); and (6) any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of property in violation of 21 U.S.C. §§ 841(a)(1) and 846 and any proceeds traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1); 21 U.S.C. § 853(a)(2); 21 U.S.C. § 881(a)(6) with 28 U.S.C. § 2461(c); 21 U.S.C. § 881(a)(11) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(p):

1. \$2,880 in US currency;
 2. Glock, Model 42, semi-automatic pistol bearing serial number ACPU614;
 3. Kel-Tec, 9mm, semi-automatic pistol bearing serial number AA1T31; and
 4. any and all compatible ammunition
- (all of which constitutes property).

This Court finds that on the government's motion, the court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
2 rights, ownership rights, and all rights, titles, and interests of Nicholas Lucky Lozano in the
3 aforementioned property are forfeited and are vested in the United States of America and
4 shall be safely held by the United States of America until further order of the Court.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
6 of America shall publish for at least thirty (30) consecutive days on the official internet
7 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
8 describe the forfeited property, state the time under the applicable statute when a petition
9 contesting the forfeiture must be filed, and state the name and contact information for the
10 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
11 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
12 the government may instead serve every person reasonably identified as a potential claimant
13 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
14 Rule G(4)(a)(i)(A).

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
16 or entity who claims an interest in the aforementioned property must file a petition for a
17 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
18 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
19 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
20 right, title, or interest in the forfeited property and any additional facts supporting the
21 petitioner's petition and the relief sought.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
23 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal
24 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty
25 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
26 after the first day of the publication on the official internet government forfeiture site,
27 www.forfeiture.gov.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
2 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
3 Attorney's Office at the following address at the time of filing:

4 Daniel D. Hollingsworth
5 Assistant United States Attorney
6 James A. Blum
7 Assistant United States Attorney
8 501 Las Vegas Boulevard South, Suite 1100
9 Las Vegas, Nevada 89101.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
9 described herein need not be published in the event a Declaration of Forfeiture is issued by
10 the appropriate agency following publication of notice of seizure and intent to
11 administratively forfeit the above-described property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
13 copies of this Order to all counsel of record.

14 DATED August 13, 2020.

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18 MIRANDA M. DU
19 UNITED STATES DISTRICT JUDGE
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